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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,153	11/06/2001	Timo Viero	975.377USW1	9451
32294	7590	03/21/2007	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			NGUYEN, PHUONGCHAU BA	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	03/21/2007		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/014,153	VIERO, TIMO
	<b>Examiner</b>	<b>Art Unit</b>
	Phuongchau Ba Nguyen	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 1-12-7.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 34-71 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 45-47 is/are allowed.
- 6) Claim(s) 34-44 and 48-71 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Claim Rejections – 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 71 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 71 recites the limitation "said network element" in line 2; "said random access operation" in lines 3-4.
- There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections – 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

**Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 34–63, 67–71 are rejected under 35 U.S.C. 102(e) as being anticipated by Jamal (6,724,813).

Regarding claim 34:

Jamal (6,724,813) discloses a method for performing random access in a mobile communication network (fig.1) having a base transceiver station (BS-23) and a plurality of mobile stations (MS-30), comprising the steps of:

a) transmitting from said base transceiver station BS-23 to said plurality of mobile stations MS-30 a parameter defining allowed access slots of at least

one physically existing random access channel (RACH) {col.6, lines 17-22, 43-50; see also step 74-fig.3};

b) receiving said parameter at a mobile station and determining, at said mobile station, said allowed access slots based on said parameter {col.6, lines 15-17, 34-46}; and

c) using, at said mobile station, at least one of said determined allowed access slots for initiating a random access operation to said base transceiver station {col.6, lines 34-60}.

**Regarding claim 35:** Jamal further discloses wherein said parameter is transmitted via a broadcast channel {col.6, lines 5-8}.

**Regarding claim 36:** Jamal further discloses wherein said broadcast channel is the BCH channel of a WCDMA system {col.6, lines 5-8, 43-46}.

**Regarding claim 37:** Jamal further discloses wherein said random access is performed via the PRACH uplink channel and the AICh downlink channel of the WCDMA system {fig.5}.

**Regarding claim 38:** Jamal further discloses wherein said parameter defines a subset of available access slots of said mobile communication network {col.7, line 59–col.8, lines 6; fig.5}.

**Regarding claim 39:** Jamal further discloses wherein said subset is determined by another parameter transmitted from said base transceiver station to said mobile station {col.7, line 65–col.8, lines 6; col.6, lines 5–14}.

**Regarding claim 40:** Jamal further discloses wherein said other parameter is a timing parameter defining a transmission timing of an uplink access slot {col.7, lines 62–65}.

**Regarding claim 41:** Jamal further discloses wherein said other parameter is transmitted via a broadcast channel {col.6, lines 5–8}.

**Regarding claim 42:** Jamal further discloses wherein the bit number of said parameter is changed in dependence on said other parameter {col.7, line 65– col.8, line 6; col.9, lines 7–10, 16–19, 42–45}.

**Regarding claim 43:** Jamal further discloses wherein a transmission of a preamble signature or an acquisition indication is disabled in dependence of the value of said parameter {col.9, lines 37–60}.

**Regarding claim 44:** Jamal further discloses wherein an index of an allowed uplink access slot is calculated on the basis of the value of said parameter and a frame number of a frame used for transmitting an uplink access slot {col.7, line 65– col.8, line 6}.

**Regarding claim 48:** Jamal further discloses wherein an index of an allowed uplink access slot is determined on the basis of the value of said parameter irrespective of a frame number of a frame used for transmitting an uplink access slot {col.7, line 65–col.8, line 6}.

**Regarding claim 49:** Jamal further discloses wherein an allowed downlink slot is determined by adding a predetermined value to an index of a received uplink slot {col.7, line 65–col.8, line 6}.

**Regarding claim 50:** Jamal further discloses wherein said predetermined value is selected in accordance with a timing parameter defining a transmission timing of said uplink slot {col.7, lines 59–65}.

**Regarding claim 51:** Jamal further discloses wherein bit values of a binary expression of said parameter determines a combination of calculated indices obtained for other values of said parameter, said other values corresponding to the binary weights of said binary expression {col.9, lines 7–19}.

**Regarding claim 52:**

Jamal discloses a system for performing random access in a mobile communication network, comprising:

a) a base transceiver station 10 (BS) arranged for transmitting a parameter defining allowed access slots of at least one physically existing random access channel (RACH) {col.6, lines 5-14, 43-50; also see col.8, lines 38-47}; and

b) a plurality of mobile stations (MS) arranged for receiving said transmitted parameter, for determining said allowed access slots based on said received parameter {col.6, lines 15-17, 43-46}, and for using at least one of said determined allowed access slots for initiating a random access operation to said base transceiver station 10 (BS) {col.6, lines 34-50; also see col.8, lines 45-47}.

**Regarding claim 53:** Jamal further discloses wherein said network element is a WCDMA base transceiver station 10 (BS-23, fig.1) and said mobile station (MS, fig.1) is a WCDMA mobile station {col.6, lines 5-8, 43-46}.

**Regarding claim 54:**

Jamal discloses a network element (BS) for a mobile communication network comprising a plurality of mobile stations (MS), comprising:

- a) setting means (74) for setting a parameter defining allowed access slots of at least one physically existing random access channel (RACH), via which allowed access slots a random access operation to the network element to be initiated {col.6, lines 5-14, 34-50}; and
- b) transmitting means (inherent at BS-23 for transmitting on BCH) for transmitting said parameter to said plurality of mobile stations (MS-30, fig.1) {col.6, lines 15-17, 43-50}.

**Regarding claim 55:** Jamal further discloses wherein said network element is a WCDMA base transceiver station {fig.1, BS-23}.

**Regarding claim 56:** Jamal further discloses wherein said transmitting means (inherent at BS-23 for transmitting on BCH) is arranged to transmit said parameter via a broadcast channel {col.6, lines 5–8; 43–46}.

**Regarding claim 57:** Jamal further discloses wherein said setting means (34, 36, 38, 40) is arranged to set said parameter in dependence on a timing parameter value defining a transmission timing of an uplink access slot in said random access operation {col.6, lines 34–50; col.7, line 59–col.8, line 6}.

**Regarding claim 58:**

Jamal discloses a mobile station for a mobile communication network having at least one network element (BS-23, fig.1) allowing a random access operation, comprising:

a) receiving means (32) for receiving from said network element (BS) a parameter defining allowed access slots of at least one physically existing

random access channel (RACH) for said random access operation {col.6, lines 43–50; also, 76, fig.3};

**b) determining means (34, 36, 38, 40)** for determining said allowed access slots based on said parameter received from said network element (BS) {col.6, lines 43–60; col.8, lines 43–47; also, 80, fig.4}; and

**c) transmitting means (56)** for initiating transmission of a random access message to said network element (BS) using at least one of said determined allowed access slots {col.6, lines 34–60; col.8, lines 43–47; also, 90, fig.4}.

**Regarding claim 59:** Jamal further discloses wherein said receiving means (32) is arranged to receive said parameter via a broadcast channel {col.6, lines 5–8, 43–46}.

**Regarding claim 60:** Jamal further discloses wherein said determining means (34, 36, 38, 40) is arranged to determine said allowed access slots on the basis of said received parameter and a timing parameter received via said broadcast channel {col.6, lines 34–50; col.7, line 59–col.8, line 6}.

**Regarding claim 61:** Jamal further discloses wherein said determining means (34, 36, 38, 40) is arranged to calculate an index of an allowed uplink access slot on the basis of the value of said received parameter and a frame number of a frame used for transmitting an uplink access slot {col.7, line 65– col.8, line 6}.

**Regarding claim 62:** Jamal further discloses wherein said determining means (34, 36, 38, 40) is arranged to determine an index of an allowed uplink access slot on the basis of the value of said parameter irrespective of a frame number of a frame used for transmitting an uplink access slot {col.7, line 65–col.8, line 6}.

**Regarding claim 63:**

Jamal further discloses wherein a selection means is provided for randomly selecting from allowed access slots determined by said determining means an uplink access slot to be used for transmitting a preamble of said random access message {col.8, lines 48–60}.

**Regarding claim 67:**

Jamal discloses a method for performing random access in a mobile communication network, comprising the steps of:

- a) (MS-30, fig.1) receiving a parameter defining allowed access slots of at least one physically existing random access channel for a random access operation (col.6, lines 43–60);
- b) (MS-30) determining said allowed access slots based on said parameter (col.6, lines 43–60; col.7, line 65–col.8, lines 7 & 38–47); and
- c) (MS-30) initiating transmission of a random access message using at least one of said determined allowed access slots (col.8, lines 43–47).

**Regarding claim 68:**

Jamal discloses a method for performing random access in a mobile communication network, comprising the steps of:

- a) receiving information about a set of available uplink access slots of a random access channel (col.6, line 34–60; wherein the parameters could have

been a set of available uplink access slots of Random Access Channel (RACH)—  
**emphasis added);**

b) deriving available uplink access slots, in a next full access slot set, for  
the set of available uplink access slots (col.6, lines 43–60); and  
c) randomly selecting one access slot among the available uplink access  
slots for initiating a random access procedure (col.6, lines 46–60; col.8, lines  
43–57).

**Regarding claim 69:**

Jamal discloses a method for performing random access in a mobile  
communication network, comprising the steps of:

a) (MS-30) receiving a set of available RACH sub-channels (access slots in  
RACH), a RACH sub-channel defining a sub-set of a total set of uplink access  
slots (fig.5);  
b) deriving available uplink access slots, in a next full access slot set, for  
the set of available RACH sub-channel (fig.5); and

c) randomly selecting one access slot among the available uplink access slots for initiating a random access procedure (fig.5, col.6, lines 46–50).

**Regarding claim 70:**

Jamal discloses a method for performing random access in a mobile communication network, comprising the steps of:

a) receiving an access parameter message sent on a broadcast channel, the access parameter message defining allowed transmission slots in which random access channel transmissions are limited to occur, where the allowed transmission slots are dictated by slot offset and slot duration parameters (col.6, lines 43–50);

b) calculating (by dynamically allocating) an allowed transmission slot based on the slot offset and slot duration parameters (col.6, lines 47–65; also col.7, line 59–col.8, lines 6, 43–47); and

c) initiating transmission of a random access message using the allowed transmission slot (col.8, lines 43–47).

**Regarding claim 71,**

Jamal discloses an apparatus, comprising:

- a) receiving means (MS) for receiving from said network element (BS) a parameter defining allowed access slots of at least one physically existing random access channel for said random access operation (col.6, lines 5–25);
- b) determining means (MS) for determining said allowed access slots based on said parameter (BCCH) received from said network element (BS) (col.6, lines 17–23); and
- c) transmitting means (MS) for initiating transmission of a random access message to said network element (BS) using at least one of said determined allowed access slots (col.6, lines 13–50).

***Claim Rejections – 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 64–66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamal (6,724,813) as applied to claims 34–63 above, and further in view of Gustafsson (6,643,275).

Regarding claim 64, Jamal discloses in figure 5 access slots but Jamal does not explicitly discloses wherein consecutive preambles are transmitted a predetermined number of access slots apart. However, in the same field of endeavor, Gustafsson (6,643,275) further discloses wherein consecutive preambles are transmitted a predetermined number of access slots apart {fig.3; col.3, lines 3–11}. Therefore, it would have been obvious to an artisan to apply Gustafsson's teaching to Jamal with the motivation being to provide in detail the well known feature of a random access channel with a separate preamble and data portion and to use the preamble by base station to detect MS attempting the random access channel.

**Regarding claim 65, Jamal further discloses wherein said predetermined number depends on a timing parameter received by said receiving means {90, fig.4; col.7, line 59–col.8, line 6}.**

**Regarding claim 66, Jamal further discloses wherein said selection means is arranged to perform said random selection any time a preamble needs to be transmitted {90, fig.4, col.7, lines 57–65}.**

***Allowable Subject Matter***

**7. Claims 45–47 are allowed.**

***Response to Arguments***

**8. Applicant's arguments filed 4–28–6 have been fully considered but they are not persuasive.**

**A/. Applicant argued on page 22 that Jamal fails to teach Jamal merely disclose that parameters are transmitted from the base station to a mobile**

station and that data are transmitted from the mobile station to the base station on a random access channel.

In reply, applicant is directed to column 6, lines 34–50 wherein mobile station 30–fig.1 uses an uplink channel RACH (physically existing random access channel) to initiate to transmit data to a base station based on the parameter contained in the BCCH received from the base station. See also column 7, line 57–column 8, line 6; column 8, lines 48–57.

Also, applicant is directed to column 6, lines 23–65 wherein the base station used BCCH downlink channel to transmit the parameter to the mobile station (upon the mobile request, see col.6, lines 23–42). Upon receiving the assigned parameter from the base station, the mobile station used the received parameter to transmit data on RACH uplink channel to the base station, see column 6, lines 43–50.

Moreover, the claimed parameters are the BCCH in Jamal, the mobile using this BCCH information for transmitting data to base station, see col.6, lines 4–22 and 23–52.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVEN NGUYEN  
PRIMARY EXAMINER

Art Unit: 2616

  
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